# INVESTIGATIVE SUMMARY

# Investigative Summary

Incident: **Deputy Involved Non - Hit Shooting**
LASD Report: **912-06273-0370-051**
IAB File: **SH2316886**

**Opening Statement**

On Sunday, July 22, 2012 Internal Affairs Bureau investigators responded to an incident command post, erected by South Los Angeles Station personnel on Century Boulevard and Vermont Street. in Los Angeles. Sergeant Trent Denison, Sergeant Victor Allen and Lieutenant Patrick Libertone were briefed regarding the circumstances of a Deputy Involved Shooting. Sergeant Denison was assigned the responsibility for the administrative review of the incident.

**Synopsis**

On Sunday, July 22, 2012 at 2154 hours, Deputies Damian Marquez and [redacted] were working a two person gang suppression car in the area of Vermont and 95th Street, Los Angeles. They heard multiple gunshots south of their location and proceeded south on Vermont Street when they saw a white Jeep Cherokee exit a side street onto Vermont Street in front of them. They noticed the jeep was traveling at a high rate of speed and coming from the general area they had heard the gunshots. At the same time, both deputies heard on their radios, that an assault with a deadly weapon had occurred near by and people had been shot. Both deputies believed the white Jeep was related to the assault call and drove toward the Jeep.

Deputy [redacted] who was driving, activated his red lights and was about to broadcast he was going to be in pursuit when the Jeep immediately pulled over on Century Boulevard and Baring Cross Street. As the deputies came to a stop, the suspect vehicle accelerated to the corner and turned south on Baring Cross Street, then again immediately stopped.

Deputy [redacted] stopped 45 feet behind the suspect vehicle and as he placed his car in park, he noticed the left rear passenger exit the Jeep and point a pistol at him. He yelled "gun" to Deputy Marquez to alert him. Deputy Marquez exited the patrol car and saw the suspect pointing the gun at him and his partner. He yelled "gun" to alert Deputy [redacted] and then he fired seven times at the suspect in order to stop the suspect from shooting him and/or his partner. The suspect fell to the ground and the gun flew out of his hand.

After the armed suspect fell to the ground, a second suspect exited the same door of the Jeep and was held at gun point by Deputies Marquez and [redacted] At this time, the first suspect, who had pointed the gun at them, suddenly jumped up and ran south from the location and then east and out of view. Both deputies stayed with the suspect vehicle and detained the four remaining occupants of the Jeep.

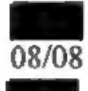
There was no evidence found that indicated the armed suspect, who avoided capture, had been injured during this incident. His weapon was recovered from the street at the scene. It is unknown if the suspect fired a round at the deputies during this incident however, there was no expended shell casing found at the scene which belonged to the suspect's weapon.

The assault incident was documented in a Incident Report and attached supplemental reports **[Exhibit A]**.

Deputies Marquez & [redacted] documented their actions in supplemental reports **[Exhibit B]**.

**Involved Personnel**
Deputy **Damian Marquez** [redacted]
Industry Station, Operation Safe Streets Bureau (OSS).

**Work History**
**Department Hire Date:** [redacted]
**Date Assigned to Industry Station:** 08/08
**Prior Shooting Incident(s):** [redacted]



**Suspects**
Suspect #1 - (Unknown)

**Witness**
Deputy [redacted] #[redacted], Industry Station OSS.
A search of the area for witnesses was conducted however, no witnesses were identified.

**Injuries**
None

**Physical Evidence**
All physical evidence was collected and documented by Scientific Services Bureau personnel. For more information, see **[Exhibit C]**.

**Investigators Observations**
At the time of investigator's arrival, the crime scene had been preserved and an active containment was in operation to search for the outstanding suspect.

Investigators noticed the involved deputy's car was a gray "slick car" (unmarked Crown Victoria Police Interceptor) with two side windshield mounted spotlights (activated) and forward facing multi color emergency lights in the windshield rear view mirror area (activated) and rear facing emergency lights in the rear window (activated). The vehicle headlights were on and the engine was running with the transmission in park.

Investigators noticed numerous expended 9mm shell casings on the ground near the passenger side door of the deputy's car. The casings had small paper cones next to each one to indicate their location.

Investigators noticed the suspect vehicle parked against the west curb on Baring Cross St. and the rear passenger doors were open. The right rear tire was flat and there was a key ring with multiple keys attached, laying on the street, outside of the driver's door. There was a woman's purse on the center console.

> **IAB note:** **The Jeep's right rear tire appeared to have a bullet entry and exit holes in the tread and outer sidewall. The trajectory was from left to right and the expended bullet was not located. Based on the trajectory angle and size of the hole, it appears the bullet that caused the damage was smaller than a 9mm bullet and could not have been fired by Deputy Marquez from his position at the time of the shooting.**

Investigators noticed a black color "Glock" 9mm pistol with a empty magazine in the magazine well and the slide locked to the rear, laying in the middle of the street near the suspect vehicle.

Investigators noticed a bullet strike to the front livingroom 2'x3' glass window and a bullet grazing type strike to the west side wood door of the house at [redacted] There was a bullet strike to the windshield of a white Cadillac parked facing north against the east curb of Baring Cross on the side of the house at [redacted] There was a bullet strike to the livingroom 2'x3' glass window of the house at [redacted]

This incident occurred on a narrow residential north/south street with single family homes on both sides and a two story apartment building on the west side of the street, north of the scene. For more information, see the crime scene diagram, **[Exhibit C]**. Also included in the exhibit is a crime scene photograph depicting the position of the suspect's Jeep and Deputy Marquez' radio car.

**Weapon used by (Dep Marquez)**
Department issued Beretta 92F, 9mm pistol, Serial# BER108844 & Department issued 9mm ammunition.

**Weapon used by Suspect**
Glock model 19C 9mm semi automatic pistol, Serial# FCD495US, black in color.

**Property Damage**
The following is a description of damage as indicated on the crime lab supplemental reports **[Exhibit C]**.
Bullet strike in the north facing livingroom glass window of the house at [redacted] Bullet strike in the south wall of the living room of the house at [redacted]

Bullet strike on west wall door of the house at [redacted].

Bullet strike in the north facing livingroom glass window of the house at [redacted]. (Expended bullet was found on the livingroom floor of the home).

Bullet strike to the front windshield of a white Cadillac sedan CA Lic# [redacted]
Bullet strike to the center of the rear seat of the same car.
Bullet Strike in the right rear tire of the suspect vehicle, Jeep Cherokee CA Lic# [redacted].

**Criminal Investigator**
OSS Detective [redacted]

**Lighting and Weather Conditions**
This incident occurred during the hours of darkness. The area of the shooting was well lit with an operable street light in front of the vacant lot one house south of the suspect's vehicle. There were operable flood lights on the homes of both houses directly east of the suspect's vehicle. Both headlights and spot lights on the involved deputy's car were on and the porch light was activated on the home at [redacted] (directly west of the suspect's vehicle).

The weather was cool and dry.

**IAB Interview of Deputy Marquez**
*Deputy Marquez was interviewed by IAB investigators on August 2, 2012. The following is a summary of that interview. For more information and precise wording, see the attached verbatim interview transcription.*

Deputy Marquez said he was sitting in a unmarked car with his partner, Detective [redacted] on Vermont Street in South Los Angeles while working an OSS unit (Operation Safe Streets gang unit). He said he heard multiple gunshots with two distinct weapons, in the area south of them however, he was unsure of the exact location. Deputy Marquez said he communicated with Detective [redacted] who also heard the gunshots and then he saw a white Jeep Cherokee traveling at a high rate of speed, drive from 93rd Street onto Vermont Street in front of them. He said they drove after the Jeep, not knowing if it was related to the gunshots and contained either suspects or victims of a shooting. Deputy Marquez said they heard radio traffic within seconds of seeing the Jeep which confirmed victims had been shot a short distance away.

Deputy Marquez said they caught up to the Jeep which stopped for a red light and were about to broadcast what they were doing but could not because of the large amount of radio traffic with units coordinating a response to the shooting call. He said the light changed to green within a couple of seconds of them catching up to the Jeep and they followed the Jeep as it turned East onto Century Boulevard. He said they were about to broadcast they were in pursuit of the vehicle and activated their emergency lights and siren and the Jeep immediately pulled to the curb and stopped at Century Boulevard and Baring Cross Street. Deputy Marquez said he started to exit

the radio car when the Jeep suddenly accelerated and immediately turned south on Baring Cross Street so he jumped back into the radio car and they turned onto Baring Cross Street as well. He said he picked up the radio to broadcast their position and they were about to go into pursuit however, as they turned onto Baring Cross Street, they noticed the Jeep had immediately pulled to the curb and stopped again. He said Detective [redacted] parked a distance from the Jeep and was placing the car in park when the left rear passenger opened the Jeep door and exited. Deputy Marquez said he was in the process of exiting the radio car, which had not come to a complete stop yet, when he noticed the suspect in the middle of the street, turn toward them and raise a pistol to chest height and appear to be acquiring a sight picture on Detective [redacted] Deputy Marquez said he yelled "Gun" to alert Detective [redacted] and at the same time heard Detective [redacted] yell "Gun" to alert him. Deputy Marquez said he was able to exit the radio car and was still near his open door with the radio car engine between him and the suspect when he felt they were about to be fired upon by the suspect. He said he had no other choice than to fire his weapon at the suspect in self defense and so he fired eight rapid shots at center mass on the suspect.

> **IAB note:** **Deputy Marquez fired seven rounds, not eight, according to the number of casings at the scene and the number of live rounds left in his weapon.**

Deputy Marquez said as soon as he fired rounds at the suspect, he saw the suspect fall to the ground and both saw and heard the suspect's pistol skip across the pavement on the street behind him (suspect) as he fell. Deputy Marquez said he stopped firing at the suspect because he believed the suspect was shot and the gun was a distance away from him so he no longer posed a threat. He added that as soon as the suspect went down, a second suspect partially exited the Jeep via the same door then got back in, then jumped out of the Jeep and onto the street. Deputy Marquez said he pointed his weapon at the second suspect and believed since he had heard two distinctive types of gunshots earlier, this second suspect may be the second shooter. Deputy Marquez said the second suspect complied with their orders to get on the ground and as he was doing so, the first suspect, who Deputy Marquez believed he had shot, suddenly jumped up from the street and ran away south on Baring Cross Street. Deputy Marquez said he and Detective [redacted] did not run after the suspect and stayed with the Jeep which contained more people inside and the suspect who had just exited and was laying on the ground.

Deputy Marquez said he broadcast he had been in a shooting immediately after he fired at the first suspect however, he was not able to broadcast his location due to the second suspect exiting the Jeep at the time. He dropped his radio to point his gun at the second suspect. He added the remaining suspects complied with his orders and were taken into custody when additional units arrived to help.

Deputy Marquez utilized a crime scene diagram to indicate the location of himself and the suspect at the time of the shooting. The diagram he used is included in **[Exhibit D]**.

**IAB Interview of Deputy [redacted]**

*Deputy [redacted] was interviewed by IAB investigators on August 2, 2012. The following is a summary of that interview. For more information and precise wording, see the attached verbatim interview transcription.*

Detective [redacted] said he was the driver on the day of this incident and his partner was Deputy Marquez. He said they were parked on Vermont Avenue in a unmarked patrol car while working as gang deputies when they heard a series of gunshots from two different guns south of their location. He said they saw a Jeep Cherokee exit 93rd Street and onto Vermont Avenue a short distance in front of them at a high rate of speed immediately after they had heard the gunshots.

Detective [redacted] said he drove after the Jeep in case it was related to the gunfire and contained either victims or suspects, and caught up to it at a red light a short distance from 93rd Street. He said Deputy Marquez was about to broadcast what they were doing however, the radio was busy with deputies coordinating a response to a gunshot victim call, which they realized was the source of the gunfire they had heard seconds before.

Detective [redacted] said they no sooner caught up to the Jeep at a red light, the light changed and they followed the Jeep east on Century Boulevard a short distance. He said he turned his emergency lights and siren on and Deputy Marquez was about to broadcast they were going to go into pursuit when the Jeep immediately pulled to the curb and stopped on Century Boulevard and Baring Cross Street. Detective [redacted] said he was coming to a stop behind the Jeep when the Jeep suddenly accelerated and turned south on Baring Cross Street and then immediately stopped a few car lengths down. He said he was coming to a stop in the radio car a distance **(45' 3" according to crime scene measurements)** from the suspect vehicle and Deputy Marquez was already starting to get out of the car when he noticed a suspect jump out of the left rear passenger door of the Jeep. He said he clearly saw the suspect raise a pistol to chest level and point it at him since both spotlights, both headlights on his patrol car and the street lights illuminated the suspect. Detective [redacted] said he had not come to a full stop and was still shifting the transmission into park when he saw the suspect's actions. He yelled "Gun" to alert Deputy Marquez and at the same time heard Deputy Marquez yell "Gun" to alert him. He said he heard Deputy Marquez fire numerous rapid succession gunshots at the suspect and he saw the suspect fall to the ground. He added he was unable to fire his own weapon at the time because he was still operating the gearshift lever. He said he also saw and heard the suspect's pistol fly out of his hand and slide across the street a distance away from the suspect and he believed Deputy Marquez had shot the suspect. He said Deputy Marquez broadcast he had just been in a shooting but cut the radio transmission short since a second suspect exited the Jeep via the same door as the first suspect had.

Detective [redacted] said he broadcast his unit number and believed their unit's GPS would indicate their location to dispatch since he had to drop the radio and point his gun at the second suspect who partially started exiting the Jeep. He said as the second suspect got out and complied with his orders to get on the ground, the first suspect who had pointed the gun at him, suddenly

jumped up and ran south on Baring Cross Street and out of view. Detective [redacted] said he did not fire at the first suspect since he knew the suspect's gun was laying in the street and he believed the second suspect laying in the street may also be armed since he had heard two distinctive type gunshots earlier. He said he also saw there were more occupants still sitting inside the Jeep so he and Deputy Marquez stayed with the remaining suspects. He added assisting units arrived and a containment was set up however, the suspect who ran away was not located or identified.

Detective [redacted] utilized a crime scene diagram to indicate the location of himself and the suspect at the time of the shooting. The diagram he used is included in **[Exhibit D]**.

**Suspect Statements**

None - not in custody, not identified.

**Additional Information**

The persons detained in the Jeep at the time of the deputy involved shooting were arrested in relation to their participation in the original shooting incident in which three victims were shot. They were interviewed by the handling OSS detective and a copy of their statements may be reviewed on the CD in **[Exhibit E]**. Also included on the CD is the audio recording of the emergency radio traffic broadcast by Deputies Marquez & [redacted]

The following is a summary of what each person detained said regarding their knowledge of the deputy involved shooting incident.

**Mr. Dewayne Steppes** told Detective [redacted] he was at a location on 93rd Street when he heard gunshots so he jumped into "Curtis'" Jeep along with three other people he did not know. He added that he was in the Jeep when it stopped and a male black, unknown to him, jumped out of the Jeep. He said he heard several more gunshots. He said he got down on the ground next to the Jeep and was arrested for unknown reasons.

**Mr. Curtis Lee** told Detective [redacted] he was at a party on 93rd Street with his female friend, Christian Odell, when he heard multiple gunshots. He said he got into his Jeep with Christian and a couple of male blacks he didn't know, and a friend of his named "Lawrence" also jumped into his Jeep as he drove away. He said he was pulled over by the police and two of the males jumped out of his Jeep. He heard more gunshots as the males jumped out and then he was arrested for unknown reasons. He did not see the deputies shooting but heard it.

**Ms. Christian Odell** told Detective [redacted] she was at a party on 93rd Street when she heard multiple gunshots and saw her friend Curtis running toward his Jeep. She got into the Jeep with Curtis and a friend of Curtis' that she did not know. She said a couple of other male blacks

jumped into the jeep that she didn't know and they drove away. Ms. Odell said they were stopped by the police and two of the males jumped out of the Jeep and she heard gunshots and believed one of the males fell to the ground. She added she did not see the shooting.

**Mr. Lawrence Jolivet** said he went to a party on 93rd Street with his friend Curtis and a female friend of Curtis'. While at the party he heard gunshots so he jumped into Crutis' Jeep and a couple of males he did not know also jumped in the Jeep with them. Mr. Jolivet had nothing substantive to add regarding the deputy involved shooting.

Curtis Lee and Dewayne Steppes were later charged by the DA with multiple counts of attempted murder in relation to the three gunshot victims who were found at the party location on 93rd Street. The suspect Deputy Marquez shot at avoided capture and was never identified.